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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,852	03/30/2001	Haruhiko Kishi	205041US-6	7025
22850	7590	09/08/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, ELLEN C	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,852

Applicant(s)

KISHI ET AL.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 29 Nov 2001.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


NORMAN M. WRIGHT
PRIMARY EXAMINER

DETAILED ACTION

1. This action is responsive to communication: original application filed 30 March 2001, with acknowledgement of foreign application date of 30 March 2000.
2. Claims 1-19 are currently pending in this application. Claims 1, 10, and 19 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 1-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al. U.S. Patent No. 6,226,618 (hereinafter '618).

As to independent claim 10, "An information vending method comprising the steps of" is taught in '618 col. 1, lines 51-56;

"accumulating information for sale" is shown in '618 col. 8, line 54 through col. 9, line 21;

"generating usage conditions for said information for sale; encrypting said information for sale; generating a cryptographic key which decrypts said information for sale which is encrypted; authenticating a recording medium loaded on said information vending apparatus in one of direct and indirect manners; and writing said encrypted

information for sale to said recording medium authenticated in the authentication step along with said usage conditions and said cryptographic key” is disclosed in ‘618 col. 6, line 65 through col. 7, line 65 .

As to dependent claim 11, “further comprising the step of making communication with a reproduction unit for reproducing said information for sale recorded on said recording medium; wherein in said authentication step, said reproduction unit is further authenticated when in said communication step said reproduction unit is communicated; and in said writing step, said encrypted information for sale along with said usage conditions and said cryptographic key are written to said recording medium through said reproduction unit” is taught in ‘618 col. 7, line 40 through col. 8, line 5.

As to dependent claim 12, “wherein said reproduction unit is a portable device and said storage medium is a portable medium, said portable medium being detachably loaded on said portable device” is shown in ‘618 col. 11, lines 29-53.

As to dependent claim 13, “wherein in said communication step, said reproduction unit which reproduces said information for sale recorded on said recording medium integrally disposed on said reproduction unit is communicated; and in said writing step, said encrypted information for sale along with said usage conditions and said cryptographic key are written to said recording medium integrally disposed on said reproduction unit” is disclosed in ‘618 col. 7, lines 11-65.

As to dependent claim 14, “wherein said reproduction unit is a portable device and said storage medium is fixedly and integrally arranged on said portable device” is taught in ‘618 col. 6, lines 37-48.

As to dependent claim 15, “further comprising the step of receiving said information for sale supplied through a predetermined transmission path; wherein in said accumulation step, said information received by said receiving means is accumulated” is shown in ‘618 col. 26, line 35 through col. 27 line 18.

As to dependent claim 16, “wherein said transmission path is the Internet, said information is supplied via the Internet to a server unit, and said information is received from said server unit to be stored in said accumulation step” is disclosed in ‘618 col. 26, line 35 through col. 27 line 18.

As to dependent claim 17, “wherein in said usage condition generating step, said usage conditions which are followed by said reproduction unit which reproduces said information for sale recorded on said recording medium are generated; and in said encryption step, said information for sale by use of an algorithm which allows said reproduction unit to decrypt said information for sale is encrypted” is taught in ‘618 col. 7, lines 11-55.

As to dependent claim 18, “wherein said information for sale includes at least one of program, voice, music, still picture, moving picture, text data” is shown in ‘618 col. 1, lines 50-57.

As to independent claim 1, this claim is directed to the apparatus of the method of claim 10 and is rejected along similar rationale.

As to dependent claims 2-9, these claims are substantially similar to claims 11-18 and are rejected along the same rationale.

As to independent claim 19, this claim is directed to a program storage medium of the method of claim 10 and is rejected along similar rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

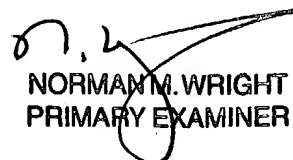
Wiser et al. U.S. Patent No. 6,385,596 issued 05/07/2002

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (703) 305-8917. **"After mid-Oct, 2004, the examiner can be reach at (571) 272-3842"**. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
17 August 2004


NORMAN M. WRIGHT
PRIMARY EXAMINER